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UNITED STATES OF AMERICA

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JANET BROWN, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

AND CONSOLIDATED ACTIONS AND
THIRD PARTY ACTION

3:19-cv-207-MMD-WGC (Lead Case)

consolidated with

3:19-cv-383-MMD-WGC (member case)

3:19-cv-418-MMD-WGC (member case)

3:19-cv-424-MMD-WGC (member case)

**STIPULATION TO MODIFY
DISCOVERY PLAN AND SCHEDULING
ORDER (Second Request)**

Pursuant to Fed. R. Civ. P. Rule 26 and LR 26-4, the parties to this consolidated case stipulate to extend the dates set forth in the April 9, 2020 scheduling order (ECF 69) for exchange of initial and rebuttal expert disclosures by two weeks as set forth below:

(c) Expert disclosures under Rule 26(a)(2):

a. Initial expert disclosures – February 15, 2021

b. Rebuttal expert disclosures – March 15, 2021

The parties stipulate and agree that good cause exists for this two week extension. On January 18, 2021, the United States' lead counsel's mother passed away. Due to family commitments and the mourning period for his mother, Senior Trial Counsel Robert Gross will be unable to return to work until at least January 25, 2021. Although the United States remains diligent in finalizing its expert reports, the parties acknowledge this is a critical time in the case and the unavoidable absence of a lead counsel is good cause for a two week delay for the exchange of initial and rebuttal expert reports.

The parties have been engaged in robust discovery, with multiple discovery depositions last held on January 5, 2021. This agreed upon delay would not impact the remaining discovery dates, which would remain as follows:

(d) Dispositive motions: June 18, 2021

(e) Joint Pretrial Order: July 22, 2021. In the event dispositive motions are filed, the deadline for filing the proposed joint pretrial order will be suspended until thirty (30) days after decision on the dispositive motions or further court order.

This is the parties' second request to extend dates set forth in the discovery plan and scheduling order. This stipulation is made before the expiration of the initial and rebuttal expert disclosure dates, but within 21 days of the deadlines.

DATED this 19th day of January, 2021.

DATED this 19th day of January, 2021.

/s/ John P. Echeverria
John P. Echeverria, Esq.
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/s/ Daniel Dell'Osso
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*Attorney for Dustin Elliker and Katelynn
Hansen*

1 DATED this 19th day of January, 2021.

2 /s/ Matthew L. Sharp

3 Matthew L. Sharp, Esq.

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7 *Attorney for Jocelyn Elliker and Carrie*
8 *Romo, as the parent and guardian ad litem*
9 *for B.E.*

10 DATED this 19th day of January, 2021.

11 /s/ Tom Yuhas

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/s/ Austin Sweet

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DATED this 19th day of January, 2021.

/s/ Jennifer A. Maceda

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Plaintiff United States of America

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

Dated: January 20, 2021

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing Stipulation to Modify Discovery Plan and Scheduling Order (Second Request) was made on January 19, 2021, via CM/ECF to the following counsel:

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Brown; and Flying Start Aero, LLC*

s/Jennifer A. Maceda
Employee, USDOJ